

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.14596 of 2004

Between:

- 1 M.V.Appa Rao S/o. Ramprasad
R/o. Kothapeta, Vinukonda.
- 2 P.Purnachandra Rao, S/o. Biskhalu
R/o Samathanaringloure, Vinukonda.

..... PETITIONERS

AND

- 1 Government of A.P. rep by its Principal Secretary, Panchayat Raj Department
Secretariat Buildings, Hyderabad.
- 2 The collector (Panchayat Wing),
Guntur District, Guntur.
- 3 The District Panchayat Officer, Guntur District, Guntur.
- 4 S.Syeda S/o. Not known to the Petitioners,
Upasarpanch, Vinukonda Gram Panchayat, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the action of the respondent No.2 in entrusting R4 with custody of the records in the name of giving charge as Sarpanch, Vinukonda Gram Panchayat, Guntur District, while suspending the Sarpanch is unconstitutional against the provisions of the A.P Panchayat Raj Act and consequently set aside the proceedings dated.29.6.2004 only to the extent of R4 being asked to take charge and function as the Sarpanch, Vinukonda Gram Panchayat, Guntur District.

Counsel for the Petitioner: Mr.K.S.MURTHY

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

For R1 to R3

Mr.C.V.Mohan Reddy for R4

The Court made the following :

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ORAL ORDER: (per THE HON'BLE THE CHIEF JUSTICE)

This writ petition is filed as Public Interest Litigation by the petitioners, who are the Ward Members of Vinukonda Gram Panchayat. Their grievance was non-consideration of their representation alleged to have been submitted to the Collector (Panchayat Wing), Guntur District, Guntur. When the writ petition came up for consideration on 19-8-2004, noticing the averments made in the writ petition, we issued notice to the respondents only to the extent of ascertaining the outcome of the petitioners' representation and also directed that in case the representation has not been considered, the Collector may proceed to consider the same and pass appropriate orders thereon.

Learned Government Pleader has brought to our notice the order passed on 27-8-2004 that representation of petitioners was duly considered by the Collector (Panchayat Wing), Guntur and the order keeping the Upa-Sarpanch as Sarpanch Incharge of Vinukonda Gram Panchayat was set aside pending finalization of appointment of temporary Sarpanch and pending finalization of action against S.Syeda, Upa-Sarpanch.

Learned counsel for the 4th respondent-Upa Sarpanch submits that writ petition was filed with *mala fide* intention to see that the 4th respondent should not function as incharge Sarpanch and was politically motivated and that the Collector has proceeded to pass order in mechanical manner without considering the reply of the 4th respondent.

In the writ petition, we are not concerned with the legality or otherwise of the order passed by the Collector on 27-8-2004. Our endeavour in such like petitions is to

ensure that in case some representations have been made to the authorities, it is expected that authorities must be prompt in taking decision in accordance with law and would not allow things to remain unattended. As a result of our interim order, petitioners' representation has been duly considered and appropriate orders were passed.

In case the 4th respondent is aggrieved by the order passed by the Collector – 2nd respondent - dated 27-8-2004, it is for the 4th respondent-S.Syeda to question the validity of the said order and in case appropriate proceedings are taken up, the same will be decided in accordance with law uninfluenced by the observations made by us in our interim orders.

Writ Petition stands disposed of accordingly.

(DEVINDER GUPTA, CJ)

2nd September, 2004

(C.V. RAMULU,J)

Prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal Secretary, Panchayat Raj Department
Government of A.P., Secretariat Buildings, Hyderabad.
- 2 The collector (Panchayat Wing),
Guntur District, Guntur.
- 3 The District Panchayat Officer, Guntur District, Guntur.
4. 2CCs to G.P. for Panchayat Raj & Rural Development Department, High Court Buildings,
Hyderabad (O.U.T.)
5. 2CD copies